



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**URGENT LEGAL MATTER  
REQUIRES PROMPT RESPONSE**

May 17, 2016

Steve Chmielewski, Vice President  
Troy Minerals, Inc.  
P.O. Box 47  
Colchester, VT 05446

Re: Clean Air Act Testing Order

Dear Mr. Chmielewski:

The United States Environmental Protection Agency ("EPA") is evaluating whether Troy Minerals, Inc. ("Troy Minerals"), located at 4792 US Route 7 in South Wallingford, Vermont, is in compliance with the Clean Air Act (the "CAA" or "Act") and state and federal regulations promulgated under the Act. These CAA requirements include the New Source Performance Standards for nonmetallic mineral processing plants found at 40 CFR Part 60, Subpart OOO.

Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether such person is in compliance with the Act and its implementing regulations.

This Testing Order requires Troy Minerals to conduct Subpart OOO<sup>1</sup> performance testing according to the procedures/methods described below.

**Testing Order**

Troy Minerals shall develop a site-specific test plan for EPA approval, and shall subsequently conduct performance testing of particulate matter emissions and opacity as described in 40 CFR §§ 60.8, 60.11 and 60.675 for each of its five baghouses associated with Plants 1-4, as follows:

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<sup>1</sup> Note that under Subpart OOO, equipment installed on or after April 22, 2008 may be subject to more stringent emission limits.

- 1) Measure particulate matter concentrations using Method 5, of Appendix A-3, or Method 17, of Appendix A-6, of 40 CFR Part 60; and
- 2) Measure opacity using Method 9 of Appendix A-4 of 40 CFR Part 60.

Troy Minerals shall prepare for and conduct performance testing according to the following schedule:

- 3) Within 30 days of the date Troy Minerals receives this letter, contact EPA's Bill Osbahr, at (617) 918-8389, to schedule a conference. At this conference, EPA will review with Troy Minerals the testing procedures and methods described above and discuss the development of a site-specific test plan.
- 4) Within 60 days of the date Troy Minerals receives this letter, prepare and mail to EPA for review a site-specific test plan, which incorporates the procedures/methods described above and required by Subpart OOO.
- 5) Within 30 days of receiving EPA comments on the site-specific test plan, Troy Minerals shall revise and resubmit the site-specific test plan in accordance with EPA's comments or required changes. EPA shall approve, approve with conditions, or disapprove the revised site-specific test plan in writing.
- 6) Within 30 days of the date EPA approves the site-specific test plan, Troy Minerals shall hold a pre-test meeting with EPA and schedule the performance testing date(s). The performance tests must take place no later than 60 days from the pre-test meeting.
- 7) Within 45 days of completing the performance tests, Troy Minerals shall submit a complete and accurate test report to EPA.

Note that Attachment A to this Testing Order list required elements for site-specific test plans and test reports.

Be aware that if Troy Minerals does not conduct the performance testing required by this Testing Order in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the Clean Air Act. Federal law also establishes criminal penalties for providing false information to EPA. This letter is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.


You may assert a business confidentiality claim covering part or all of the information associated with this Testing Order, in the manner described by 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you.

Provide the above-required information to:

Susan Studlien  
US EPA Region 1  
Mail Code OES04-2  
5 Post Office Square Suite 100  
Boston, Massachusetts, 02109-3912  
Attn: Tom McCusker

If you have any questions regarding this Testing Order, please contact, Environmental Engineer, Tom McCusker, at (617) 918-1862, or have your attorney call, Senior Enforcement Counsel, Tom Olivier, at (617) 918-1737.

Sincerely,

  
Susan Studlien, Director  
Office of Environmental Stewardship

cc: John Wakefield, VT DEC

